

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS PENSION FUND)
)
)
Plaintiff,)
)
) No. 08 C 788
v.)
)
ROSELLE FARMERS LUMBER COMPANY)
an Illinois corporation,)
)
)
Defendant.)

MOTION TO COMPEL DISCOVERY RESPONSES

NOW COME the Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS, by and through its attorneys, JOHN J. TOOMEY, of ARNOLD AND KADJAN, and pursuant to FRCP Rule 37(a)(2) and (d) moves for an Order compelling Defendant to Answer Interrogatories, Produce Records and Appear for Deposition. In support of its Motion, Plaintiff states as follows:

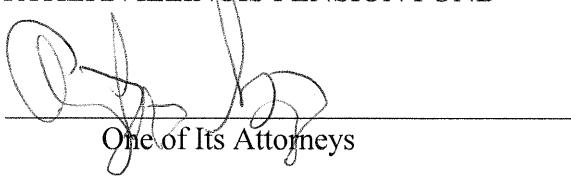
1. Plaintiffs issued Interrogatories and Request to Produce Records on April 7, 2008 to be responded to 30 days after receipt.
2. Plaintiffs issued a Notice of Deposition on April 7, 2008, for the deposition of Gerald Kamphius, to be held on May 21, 2008.
3. Defendant has not responded to the Interrogatories or the Request to Produce.
4. Plaintiffs have been unable to depose Gerald Kamphius.
5. Plaintiff's counsel has sought responses to discovery pursuant to Local Rule 37.2 (Exhibit A, Affidavit of Counsel).

6. The production of records, the answers to Interrogatories, and the Deposition of Gerald Kamphius, are necessary to properly prosecute Plaintiff's claims.
7. Responses to Plaintiffs' requests are overdue.
8. The Court has set a discovery cutoff of June 30, 2008.

WHEREFORE, Plaintiffs pray that this Court enter and Order:

1. Ordering that the Request to Produce and Interrogatories be fully complied with by June 10, 2008.
2. Compelling the deposition of Gerald Kamphius, to proceed by June 10, 2008, at Plaintiffs' counsel's offices at 19 W. Jackson Blvd., Suite 300, Chicago, Illinois.
3. That as set forth in FRCP 37(d) that Defendant pay reasonable litigation expenses including attorneys' fees of this motion.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS PENSION FUND

By: 

One of Its Attorneys

JOHN J. TOOMEY
ARNOLD AND KADJAN
19 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS PENSION FUND)
Plaintiffs,)
v.)
ROSELLE FARMERS LUMBER COMPANY, an)
Illinois corporation,)
Defendant.)
Case No.: 08 C 788
Judge Coar
Magistrate Judge Cox

**AFFIDAVIT IN SUPPORT OF
MOTION TO COMPEL DISCOVERY RESPONSES**

NOW COMES the undersigned, ANTHONY B. SANDERS, upon being first duly sworn,
deposes and states as follows:

1. The undersigned is an attorney with the law firm of Arnold & Kadjan, and is an attorney assisting in this case, Case No. 08 C 788.
2. Affiant is an attorney licensed to practice law in the State of Illinois since 2004. Affiant is admitted to the Bar of the Northern District of Illinois.
3. Plaintiffs issued Interrogatories and Request to Produce upon Defendant on April 7, 2008 to be responded to 30 days after receipt.
4. Plaintiffs issued a Notice of Deposition on April 7, 2008, for a deposition of Gerald Kamphius, to be held on May 21, 2008.
5. Defendant has not responded to the Interrogatories or Request to Produce, and Mr. Kamphius has not made himself available for a deposition.

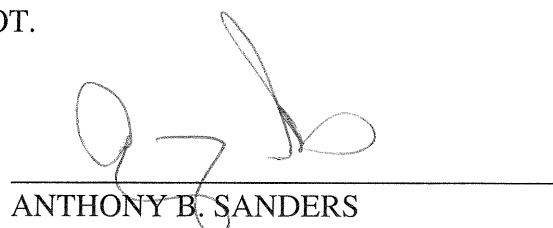
6. Before a status before this Court on May 14, 2008, I discussed with Defendant's counsel Timothy J. Klein the current state of the case and that we would need the discovery to be responded to.

7. On May 22, 2008, after Mr. Kamphius did not appear for his deposition, I left a telephone message with Mr. Klein where I stated that we needed to have responses to the discovery requests and to take Mr. Kamphius' deposition.

8. The production of records, the answers to Interrogatories, and the Deposition of Mr. Kamphius, are necessary to properly prosecute the Plaintiffs' claims.

9. Responses to Plaintiffs' requests are overdue.

FURTHER AFFIANT SAYETH NOT.



ANTHONY B. SANDERS

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